

**Notice of Allowability**

Application No.

10/798,924

Examiner

CongVan Tran

Applicant(s)

SCHAEGLER ET AL.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/23/06.
2. ☒ The allowed claim(s) is/are 1-3, 5-19, 21-26 have been renumbered to 1-3, 7-8, 4-6, 9-12, 14-15, 13, 16-18, 22-23, 19-21, 24 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit: 2617

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr hunt, Gregory on Sept. 27, 2006.

The application has been amended as follows:

1. (Currently Amended) A method for delivering presence information regarding push-to-talk subscribers, the method comprising:

- (a) receiving, from a push-to-talk or presence server, presence information regarding a first push-to-talk subscriber, the presence information being destined for a second push-to-talk subscriber;
- (b) determining whether the second push-to-talk subscriber is available; and
- (c) in response to determining that the second push-to-talk subscriber is available, delivering, using a short message service message, the presence information to the second push-to-talk subscriber in a manner that bypasses a short message service center (SMSC) and a store and forward mechanism of SMS delivery implemented by the SMSC.

10. (Currently Amended) A short message service (SMS) gateway for delivering presence information regarding push-to-talk subscribers in a manner that bypasses a short message service center (SMSC), the SMS gateway comprising:

- (d) a short message point-to-point (SMPP) interface for receiving, from an SMPP or a presence server, presence information regarding a first push-to-talk subscriber, the presence information being destined for a second push-to-talk subscriber;
- (e) an SS7 interface for delivering the presence information to the second push-to-talk subscriber; and
- (f) a short message gateway function operatively associated with the SS7 and SMPP interfaces for delivering, using a short message service (SMS) message, the presence information to the second push-to-talk subscriber in a manner that bypasses an SMSC and a store and forward mechanism of SMS delivery implemented by the SMSC.

11. (Currently Amended) The SMS gateway of claim 10 wherein the short message gateway function is adapted to determine whether the second push-to-talk subscriber is available, in response to determining that the second push-to-talk subscriber is available, to deliver the presence information to the second push-to-talk subscriber in a manner that bypasses ~~[[an]]~~ the SMSC.

17. (Currently Amended) A computer program product for delivering presence information regarding push-to-talk subscribers, the computer program product

comprising computer executable instructions embodied in a computer readable medium for performing steps comprising:

- (g) receiving, from a push-to-talk or presence server, presence information regarding a first push-to-talk subscriber, the presence information being destined for a second push-to-talk subscriber;
- (h) determining whether the second push-to-talk subscriber is available; and
- (i) in response to determining that the second push-to-talk subscriber is available, delivering, using a short message service (SMS) message, the presence information to the second push-to-talk subscriber in a manner that bypasses a short message service center (SMSC) and a store and forward mechanism of SMS delivery implemented by the SMSC.

26. (Currently Amended) A method for delivering presence information regarding push-to-talk subscribers in a manner that avoids latency introduced by short message service centers, the method comprising:

- (a) receiving a short message peer-to-peer (SMPP) message at an SMS gateway;
- (b) determining, using the SMS gateway, whether the message contains presence information for real time delivery; and
- (c) in response to determining that the message contains presence information for real time delivery and that a destination subscriber is available, delivering, using a short message service message, the presence information to the destination subscriber in a manner that

bypasses a short message service center (SMSC) and a store and forward mechanism of SMS delivery implemented by the SMSC.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**PRIMARY EXAMINER**

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Sept. 28, 2006.